

ENVIRONMENTAL QUALITY

CHAPTER 50

SOLID WASTE MANAGEMENT

Sub-Chapter 1

Grants and Loans to Local Governments

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Sub-Chapter 1

Grants and Loans to Local Governments

17.50.101 DEFINITIONS (1) "Loans" means front-end organizational funds as defined in 75-10-103, MCA. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; AMD, 1981 MAR p. 1101, Eff. 10/1/81; TRANS, from DHES, 1995 MAR p. 2253.)

17.50.102 PRE-APPLICATION CONFERENCE (1) Prospective applicants may request the department to schedule a pre-application conference to discuss the proposed solid waste management system before an application is filed with the department.

(2) The purpose of this conference is to facilitate the development of an application that meets the requirements of the act and the rules. Also, any questions or comments relating to the proposed project can be discussed informally at this time to expedite the application and reduce the amount of correspondence that may otherwise be necessary. A statement made by any department official at the pre-application conference shall not be deemed an order or decision of the department. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; TRANS, from DHES, 1995 MAR p. 2253.)

17.50.103 GENERAL APPLICATION REQUIREMENTS (1) No application form will be provided. However, to facilitate uniformity, the application must:

(a) be typed, printed, or otherwise legibly reproduced on 8½ x 11 inch paper. Maps, drawings, charts, or other documents bound in an application should be cut or folded to 8½ x 11 inch size. Maps, drawings, or charts may accompany an application as separate exhibits;

(b) be consecutively numbered. Maps, drawings, or charts accompanying the application as exhibits should be identified as "Exhibit __," and if comprising more than 1 sheet should be numbered "Sheet __ of __";

(c) state the name, title, telephone number, and post office address of the person to whom communication in regard to the application should be made;

(d) contain a statement agreeing that all materials submitted by the applicant to the department are subject to public scrutiny; and

(e) contain a statement agreeing to keep and maintain adequate financial records for the project in accordance with department accounting procedures.

(2) The department will review the application to determine whether it is in compliance with the act and rules. If the department determines that the application is not in

compliance with the act and rules, the department will return the application and notify the applicant in writing, listing the deficiencies. The application may be resubmitted after corrections are made.

(3) At the request of the department, the applicant shall provide any additional documentation or information as the department may deem necessary to insure compliance with the provisions of the act and rules.

(4) If an applicant desires to change or add to an application after it is formally filed, the applicant shall inform the department in writing as soon as possible of the change or addition. If the change or addition will result in a substantial change in the amount of funding requested or the goals and objectives stated in the original application, the department will consider the change or addition to constitute a new application.

(5) If 2 or more local governments make application for a joint solid waste management system, a single application shall be executed by all participating local governments. In addition, such application shall be accompanied by a resolution of each local government setting forth their respective responsibilities and commitments.

(6) If the solid waste management system includes the processing or disposal of solid waste generated by any local government other than the applicant, documentation acceptable to the department shall be submitted to the department setting forth the respective responsibilities and commitments of all parties involved in the project.

(7) Only local governments are eligible to apply for loans or grants under the act. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; AMD, 1981 MAR p. 1101, Eff. 10/1/81; TRANS, from DHES, 1995 MAR p. 2253.)

17.50.104 FRONT-END PLANNING FUNDS--GRANT APPLICATION AND CRITERIA FOR REVIEW (1) In addition to the requirements of ARM 17.50.103, an application for a grant of front-end planning funds must include a statement of project intent and scope. A proposed budget must be submitted showing how grant monies are to be expended.

(2) A statement of intent to implement the solid waste management system investigated must be included if such planning shows the solid waste management system to be economically feasible.

(3) The department will review applications on a first-come, first-served basis, taking into consideration the plan that:

- (a) includes the largest population;
- (b) states the greatest financial need;
- (c) encompasses the largest number of local governments;

(d) to the fullest extent possible utilizes private enterprise for planning purposes; and

(e) addresses the most pressing environmental and public health concerns. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; AMD, 1981 MAR p. 1101, Eff. 10/1/81; TRANS, from DHES, 1995 MAR p. 2253.)

17.50.105 FRONT-END IMPLEMENTATION FUNDS -- GRANT APPLICATION (1) In addition to the requirements of ARM 17.50.103, an application for a grant of front-end implementation funds must include:

(a) the amount in dollars of the grant being requested;

(b) documentation showing the local government has complied with bidding procedures required by law for purchase of capital equipment including a summary of the bid results;

(c) the solid waste management system plan complete with fiscal data and an analysis of alternative waste management systems which were considered when developing the final plan;

(d) a complete explanation of the method of permanent financing for the solid waste management system;

(e) institutional arrangements relating to ownership, operational participation, legal authority by which the system is developed, acknowledgement letter from the governing pollution control agencies, contractual arrangements listing performance bonds, damages, termination of agreements, and all other contractual arrangements;

(f) system coordination of participants, noting collection and transport systems, pre-processing requirements, final disposal responsibility, and any other systems necessary for the systematic control of the waste processing; and

(g) management systems delineating an organizational structure, establishing necessary technical services for operation, creating a project monitoring and evaluation system, and any other management requirements for the control of the complete system. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; AMD, 1981 MAR p. 1101, Eff. 10/1/81; TRANS, from DHES, 1995 MAR p. 2253.)

Rules 17.50.106 through 17.50.109 reserved

17.50.110 LOAN--ELIGIBILITY REQUIREMENTS (1) Before any loan will be granted by the department, the development agency must establish to the satisfaction of the department the following:

(a) that the proposed solid waste disposal/processing system or the proposed resource recovery system, or both, are compatible with the state solid waste management plan and the plan has been adopted by the development agency or all its constituents;

(b) that the solid waste upon which the development project is based will be delivered to the project;

(c) that the solid waste management system will not jeopardize the economic stability of existing solid waste disposal/processing systems or resource recovery systems which have already been approved by the department as part of an officially adopted solid waste management plan.

(d) that all federal and state permits or approvals necessary to implement the solid waste management system have been obtained; and

(e) that to the fullest extent possible private enterprise will be utilized for design, management, construction and operation of the facilities required to implement area-wide solid waste management systems.

(2) If studies indicate a type of resource recovery is more feasible than other types of solid waste management systems, a local government may choose not to implement the resource recovery alternative and still be eligible for a loan pursuant to the act provided the local government has held a public meeting to discuss its decision.

(3) Receipt of a loan by a local government under the act will not relieve the local government of the obligation of complying with all federal and state laws, regulations, and standards applicable to the project. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; TRANS, from DHES, 1995 MAR p. 2253.)

17.50.111 LOAN APPLICATION (1) Loan application shall include but not be limited to the following:

(a) a proposed budget showing how loan monies will be expended;

(b) an economic analysis of the proposed solid waste management system;

(c) a project timetable;

(d) a statement of the project's environmental compatibility;

(e) institutional arrangements relating to ownership, operational participation, legal authority by which the system is developed, acknowledgement letters from the governing pollution control agencies, contractual arrangements listing performance bonds, damages, termination or agreements, and all

other contractual arrangements;

(f) system coordination of participants, noting collection and transport systems, pre-processing requirements, final disposal responsibility, and any other systems necessary for the systematic control of the waste processing; and

(g) management systems delineating an organizational structure, establishing necessary technical services for operation, creating a project monitoring and evaluation system, and any other management requirements for the control of the complete system. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; TRANS, from DHES, 1995 MAR p. 2253.)

17.50.112 ORDER OF FUNDING LOANS (1) The department will establish and maintain a tentative approval list of applications from local governments requesting loans which represent the candidates for funding. Applicants which are on the tentative approval list will be funded in the order in which they complete the necessary documentation and secure all permits and approvals and commitments for loan. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; TRANS, from DHES, 1995 MAR p. 2253.)

17.50.113 ORDER OF FUNDING GRANTS (1) The department will apply the criteria and guidelines set forth in the act and rules and will rank those applications for grants of front-end planning funds and grants of front-end implementation funds which it has determined to merit funding on a priority list. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; AMD, 1981 MAR p. 1101, Eff. 10/1/81; TRANS, from DHES, 1995 MAR p. 2253.)

Rules 17.50.114 through 17.50.117 reserved

17.50.118 DEPARTMENT APPROVAL OF PROJECT CHANGES

(1) After a project has been given tentative approval, or placed on a priority list, whichever is applicable, written approval of the department is required for project changes which:

- (a) alter the approved scope of the project;
- (b) substantially alter the design of the project; or
- (c) increase the amount of funds needed to complete the project.

(2) Approval of project changes pursuant to this subchapter shall not commit or obligate the state to increases in the amount of the grant or loan or both or disbursements thereunder unless such increase is agreed to by the department. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; TRANS, from DHES, 1995 MAR p. 2253.)

17.50.119 NONCOMPLIANCE (1) If the local government, prior to receipt of the total disbursement for a loan, a grant, of front-end planning funds or a grant of front-end implementation funds, fails to comply with the act, rules, or any other law of the state applicable to the development project, the department may, after giving reasonable notice to the local government and contractor, withhold all or any portion of further disbursements to the local government pending compliance. However, payments to the contractor shall be authorized for all work approved by the local government and performed by the contractor prior to the date of such notice. (History: 75-10-106, MCA; IMP, 75-10-106, MCA; NEW, 1977 MAR p. 730, Eff. 10/25/77; AMD, 1981 MAR p. 1101, Eff. 10/1/81; TRANS, from DHES, 1995 MAR p. 2253.)

